

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TIMOTHY MERRICK, D.C. d/b/a ALIVE &
WELL CHIROPRACTIC, JOSHUA I. KANTOR,
D.C., JASON PIKEN, D.C. d/b/a INNATE
CHIROPRACTIC OF MANHATTAN, and
CRAIG FISHEL, D.C., on behalf of themselves
and all others similarly situated,

Plaintiffs,

-against-

UNITEDHEALTH GROUP, INC.,
UNITEDHEALTHCARE, INC.,
UNITEDHEALTHCARE SERVICES, INC.,
OPTUM, INC. and OPTUMHEALTH, INC.

Defendants.

Civil Action No. 14-CV-8071 (ER)

(Oral Argument Requested)

**NOTICE OF DEFENDANTS' MOTION TO
COMPEL ARBITRATION WITH
PLAINTIFF MERRICK AND TO DISMISS
HIS CLAIMS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, dated February 27, 2015, the Declaration of Steven Vynorius executed on February 26, 2015, and the exhibits attached thereto, Defendants shall move this Court, before the Honorable Edgardo Ramos, U.S.D.J., Room 619, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, for an Order pursuant to the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*, compelling Plaintiff Timothy Merrick to arbitrate his claims against Defendants in this action and to dismiss those claims (the "Motion").

PLEASE TAKE FURTHER NOTICE that, pursuant to the schedule set by the Court: (1) Defendants shall file and serve the Motion by February 27, 2015; (2) Plaintiff Merrick shall file and serve his response to the Motion by April 13, 2015; and (3) Defendants shall file and serve their reply in support of the Motion by May 4, 2015.

Dated: Washington, D.C.
February 27, 2015

Respectfully submitted,

O'MELVENY & MYERS LLP

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